

1 EDMUND G. BROWN JR.
Attorney General of the State of California
2 DANE R. GILLETTE
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5 CATHERINE A. RIVLIN, State Bar No. 115210
Supervising Deputy Attorney General
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Attorneys for Respondent

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11 IN THE UNITED STATES DISTRICT COURT
12 FOR THE NORTHERN DISTRICT OF CALIFORNIA

13 **CERIANO CABRELLIS,**

Petitioner,

14
15 **v.**

16 **M.C. KRAMER, Warden,**

Respondent.

C 08-1785 JSW (PR)

**APPLICATION FOR
ENLARGEMENT OF TIME
TO FILE ANSWER OR
RESPONSIVE MOTION**

19 For the reasons stated in the accompanying declaration of counsel, respondent hereby
20 requests a 30-day enlargement of time until August 11, 2008, within which to answer the petition
21 for writ of habeas corpus in this case or file any other appropriate motion. As explained in the
22 declaration, counsel for respondent has obtained the state court appellate record and is in the process
23 of acquiring the remaining state court record for lodging, but has been burdened by earlier-assigned
24 cases. A stipulation has not been sought because petitioner is an incarcerated state prisoner who is
25 representing himself.

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27 ///

28 ///

1 WHEREFORE, respondent respectfully requests that this Court grant an extension of time
2 to and including August 11, 2008, in which to file the answer.

3 Dated: July 4, 2008

4 Respectfully submitted,

5 EDMUND G. BROWN JR.
Attorney General of the State of California

6 DANE R. GILLETTE
Chief Assistant Attorney General

7 GERALD A. ENGLER
Senior Assistant Attorney General

8 PEGGY S. RUFFRA
Supervising Deputy Attorney General

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10
11 /s/ Catherine A. Rivlin

12 _____
CATHERINE A. RIVLIN
13 Supervising Deputy Attorney General
14 Attorneys for Respondent

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DECLARATION OF SERVICE BY U.S. MAIL

Case Name: *Ceriaco Cabrellis v. M.C. Kramer, Warden*

No.: **C 08-1785 JSW (PR)**

I declare:

I am employed in the Office of the Attorney General, which is the office of a member of the California State Bar, at which member's direction this service is made. I am 18 years of age or older and not a party to this matter. I am familiar with the business practice at the Office of the Attorney General for collection and processing of correspondence for mailing with the United States Postal Service. In accordance with that practice, correspondence placed in the internal mail collection system at the Office of the Attorney General is deposited with the United States Postal Service that same day in the ordinary course of business.

On July 7, 2008, I served the attached:

- 1. APPLICATION FOR ENLARGEMENT OF TIME TO
FILE ANSWER OR RESPONSIVE MOTION;**
- 2. DECLARATION COUNSEL IN SUPPORT OF SUPPORT OF
APPLICATION FOR ENLARGEMENT OF TIME; and 3. ORDER**

by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid, in the internal mail collection system at the Office of the Attorney General at 455 Golden Gate Avenue, Suite 11000, San Francisco, CA 94102-7004, addressed as follows:

Ceriaco Cabrellis
SPN# V-63705
Folsom State Prison (950)
P.O. Box 950
Represa, CA 95671

I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct and that this declaration was executed on July 7, 2008, at San Francisco, California.

J. Espinosa

Declarant

/s/ J. Espinosa

Signature

EDMUND G. BROWN JR.
 Attorney General of the State of California
 DANE R. GILLETTE
 Chief Assistant Attorney General
 GERALD A. ENGLER
 Senior Assistant Attorney General
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 Attorneys for Respondent

IN THE UNITED STATES DISTRICT COURT
 FOR THE NORTHERN DISTRICT OF CALIFORNIA

CERIANO CABRELLIS,

Petitioner,

v.

M. C. KRAMER, Warden,

Respondent.

C 08-1785 JSW (PR)

**DECLARATION OF COUNSEL IN
 SUPPORT OF APPLICATION FOR
 ENLARGEMENT OF TIME**

I, Catherine A. Rivlin, declare under penalty of perjury as follows:

I am the California Supervising Deputy Attorney General assigned to handle the above-
 encaptioned case. I have obtained the appellate file and requested additional state records. I was
 the responsible deputy on the direct appeal and thus have familiarity with the case, issues, and facts.
 However the press of earlier assigned and emergency reassignment cases has prevented my devoting
 substantial attention to this case to date. In the most recent 30 days, while I have been acquiring
 the record, I have completed respondent's briefs In the past 30 days, I have filed the respondent's
 briefs in *People v. Hembree*, A119415, *People v. Simmons*, A119241, and *People v. Heredia*,
 H032271, a supplemental brief in *People v. Kelly*, A117360, a return on order to show cause
 in *Barnhard v. Superior Court*, 942272-6, an informal opposition in *In re Sepulveda*,

1 H032822, a review petition in *People v. Soria*, S164796, and a detailed motion in a capital
 2 case in preparation for evidentiary hearing, *In re Welch*, 070855-2. I am currently working
 3 on briefs in *People v. Parker*, A117498, and *Joseph v. Kane*, 07-15224, which were delayed
 4 by a recent power outage. In addition to a full caseload, I manage a team of eleven attorneys
 5 and paralegals and critically review/edit every pleading they file. I have not attempted to
 6 contact petitioner, who is representing himself in this proceeding, because he is incarcerated in state
 7 prison and cannot be conveniently reached.

8 I declare under penalty of perjury of the laws of the State of California and the United
 9 States of America that the foregoing is true and correct. Executed at San Francisco, California on
 10 July 4, 2008.

11
 12 Respectfully submitted,

13 EDMUND G. BROWN JR.
 Attorney General of the State of California

14 DANE R. GILLETTE
 Chief Assistant Attorney General

15 GERALD A. ENGLER
 Senior Assistant Attorney General

16 PEGGY S. RUFFRA
 Supervising Deputy Attorney General

17
 18
 19 /s/ Catherine A. Rivlin

20 _____
 CATHERINE A. RIVLIN
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 Attorneys for Respondent

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 23 cabrellisfheotdec.wpd
 24 SF2008401721

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Ceriaco Cabrellis
SPN# V-63705
Folsom State Prison (950)
P.O. Box 950
Represa, CA 95671

I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct and that this declaration was executed on July 7, 2008, at San Francisco, California.

J. Espinosa

Declarant

/s/ J. Espinosa

Signature

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

CERIANO CABRELLIS,

Petitioner,

v.

M.C. KRAMER, Warden,

Respondent.

C 08-1785 JSW (PR)

ORDER

GOOD CAUSE APPEARING, it is hereby ordered that respondent may have until August 11, 2008, to file an answer to, or responsive motion regarding, the petition for writ of habeas corpus. Petitioner may file and serve a traverse, if any, within thirty (30) days of his receipt of the answer. He may file and serve an opposition or statement of non-opposition within thirty (30) days of his receipt of a motion to dismiss, if any.

IT IS SO ORDERED.

DATED: _____

JEFFREY S. WHITE
United States District Judge

DECLARATION OF SERVICE BY U.S. MAIL

Case Name: *Ceriaco Cabrellis v. M.C. Kramer, Warden*

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J. Espinosa

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/s/ J. Espinosa

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